

Summary of Regulatory Prohibitions within Cordell Bank National Marine Sanctuary

The following activities are prohibited and thus are unlawful for any person to conduct within the Cordell Bank National Marine Sanctuary. The following is a summary of the sanctuary regulations and is intended for general informational purposes only. Please refer to the Federal Register for the full text and definitions: **Federal Register /Vol. 73, No. 225 Published November 20, 2008/15 CFR Part 922**. The prohibitions do not apply to activities that are necessary to respond to an emergency threatening life, property or the environment.

PROHIBITIONS

OIL, GAS OR MINERALS:

(1) Exploring for, or developing or producing, oil, gas, or minerals in any area of the Sanctuary.

DISCHARGE:

(1) Discharging or depositing from within or into the Sanctuary (other than from a cruise ship) any material or other matter except:

(A) Fish, fish parts, or chumming materials (bait), used in or resulting from lawful fishing activity within the Sanctuary, provided that such discharge or deposit is during the conduct of lawful fishing activity within the Sanctuary;

(B) For a vessel less than 300 gross registered tons (GRT), or a vessel 300 GRT or greater without sufficient holding tank capacity to hold sewage while within the Sanctuary, clean effluent generated incidental to vessel use and generated by an operable Type I or II marine sanitation device (U.S. Coast Guard classification) approved in accordance with section 312 of the Federal Water Pollution Control Act, as amended, (FWPCA), 33 U.S.C. 1322. Vessel operators must lock all marine sanitation devices in a manner that prevents discharge or deposit of untreated sewage;

(C) Clean vessel deck wash down, clean vessel engine cooling water, clean vessel generator cooling water, clean bilge water, or anchor wash; or

(D) Vessel engine or generator exhaust.

(2) Discharging or depositing, from within or into the Sanctuary, any material or other matter from a cruise ship except clean vessel engine cooling water, clean vessel generator cooling water, clean bilge water, or anchor wash.

(3) Discharging or depositing, from beyond the boundary of the Sanctuary, any material or other matter that subsequently enters the Sanctuary and injures a Sanctuary resource or quality.

REMOVING, TAKING OR INJURING BENTHIC ORGANISMS:

(1) On or within the line representing the 50-fathom isobath surrounding Cordell Bank, removing, taking, or injuring or attempting to remove, take, or injure benthic invertebrates or algae located on Cordell Bank. This prohibition does not apply to use of bottom contact gear used during fishing activities (which is prohibited pursuant to 50 CFR Part 660 – Fisheries Off West Coast States). There is a rebuttable presumption that any such resource found in the possession of a person within the Sanctuary was taken or removed by that person.

SEABED PROTECTION:

(1) On or within the line representing the 50-fathom isobath surrounding Cordell Bank, drilling into, dredging, or otherwise altering the submerged lands; or constructing, placing, or abandoning any structure, material or other matter on or in the submerged lands. This prohibition does not apply to use of bottom contact gear used during fishing activities (which is prohibited pursuant to 50 CFR Part 660 – Fisheries Off West Coast States).

(2) In the Sanctuary beyond the line representing the 50-fathom isobath surrounding Cordell Bank, drilling into, dredging, or otherwise altering the submerged lands; or constructing, placing, or abandoning any structure, material or matter on the submerged lands except as incidental and necessary for anchoring any vessel or lawful use of any fishing gear during normal fishing activities.

WILDLIFE PROTECTION:

(1) Taking any marine mammal, sea turtle, or bird within or above the Sanctuary, except as authorized by the Marine Mammal Protection Act, (MMPA), 16 U.S.C. 1361 et seq., Endangered Species Act, (ESA), 16 U.S.C. 1531 et seq., Migratory Bird Treaty Act, (MBTA), 16 U.S.C. 703 et seq., or any regulation, as amended, promulgated under the MMPA, ESA, or MBTA.

(2) Possessing within the Sanctuary (regardless of where taken, moved or removed from), any marine mammal, sea turtle or bird taken, except as authorized by the MMPA, ESA, MBTA, by any regulation, as amended, promulgated under the MMPA, ESA, or MBTA, or as necessary for valid law enforcement purposes.

INTRODUCED SPECIES:

(1) Introducing or otherwise releasing from within or into the Sanctuary any non-native species, except striped bass (*Morone saxatilis*) released during catch and release fishing activity.

DISCLAIMER:

The above summary was adapted from Federal regulations governing activities within the CBNMS and is intended for general informational purposes only. For the complete legal text of regulatory prohibitions, see: Federal Register /Vol. 73, No. 225 Published November 20, 2008/15 CFR Part 922.